

Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, Friday, November 14, was the closing of the public comment period for the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers' proposed "waters of the United States"—WOTUS, as it is known—rule under the Clean Water Act, which would dramatically expand the scope of Federal authority over water and land uses across the United States.

Enacted in 1972, the Clean Water Act was created as a partnership between the States and the Federal EPA in order to better manage identified pollution sources through a range of pollution control programs.

This new proposed rule is a direct threat to this longstanding federalist approach created by the law, which has been long supported by Republicans and Democrats alike for over four decades.

It is through this federalist model, which enables regulators at the Federal, State, and local levels to provide adequate flexibility to address water quality while accounting for local and regional variations and conditions, that Pennsylvania has demonstrated a track record of success in improving and protecting the ecological health of its waters. Unfortunately, the proposed rule would dramatically expand the Federal authority to the detriment of our economy and at the expense of existing State-Federal partnerships that have been effective in protecting and improving the biological integrity of our watersheds and waterways.

For this reason, I along with Senator PAT TOOMEY and eight additional members of the Pennsylvania delegation in the U.S. House of Representatives voiced our strong opposition to this flawed policy. In comments submitted Friday to the agencies, we outlined concerns specific to our home State and those of our constituents, including private landowners, counties, municipalities, farmers, foresters, among so many who will be negatively impacted if this rule is allowed to be fully implemented.

Mr. Speaker, there is a widespread agreement that the Clean Water Act has been a beneficial tool for the management and the health of our Nation's watersheds and water quality.

While Congressional intent of the Clean Water Act has been limited to "navigable waters," the extent of the law's jurisdiction has been the subject of much litigation and regulatory action. Complicating the issue further are Supreme Court decisions that have not adequately described the scope of Federal authority under the law resulting, at times, in conflict.

While the existing law and the Supreme Court have left uncertainty regarding what constitutes a "water of the United States," previous holdings have made clear that the Federal Government's authority is not limitless.

Unfortunately, the proposed rule assumes just that—limitless Federal authority.

Mr. Speaker, the reason this is so concerning is that many of these issues are best regulated at the State level in a manner that recognizes regional differences in geography, climate, geology, soils, hydrology, and rainfall, among other variables. Rather than strengthen the law, the rule creates more confusion—confusion that will most certainly delay permitting and will undermine strong water quality programs that exist in Pennsylvania and in other States. Moreover, this type of uncertainty is susceptible to inconsistent interpretation and application, which holds the potential for substantial implementation costs across the various Clean Water Act programs, and will likely invite more enforcement actions and third-party litigation.

In addition to jeopardizing existing water quality control programs, the economic impact of the proposed rule will be far-reaching. Activities that drive economic development in Pennsylvania, such as highway and road construction, pipeline projects, energy production, infrastructure projects, farming, flood control, and public works projects will all be subject to Federal permitting if this proposal is finalized.

For example, the rule would make most ditches into tributaries. Routine maintenance activities in ditches and on-site ponds and impoundments could trigger permits that can cost \$100,000 or more. These permitting requirements would likely trigger additional environmental reviews which would add years to the completion time for ordinary projects, which means more costs for landowners and more regulatory burdens upon the States, all with no guarantee or measurable benefits to our waters.

Mr. Speaker, we all agree that managing the Nation's water is critically important, but in this case, the Federal Government has failed to recognize the fundamental role that States play in meeting our shared goals of clean watersheds and water resources. Mr. Speaker, it is time for EPA and the Corps to vacate this proposal, get back to the drawing board, and fix the fundamental flaws within this rule. The American people, including my constituents in Pennsylvania, deserve as much.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 20 minutes p.m.), the House stood in recess.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. JOLLY) at 2 p.m.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Dear God, we give You thanks for giving us another day.

We ask Your special blessing upon the Members of this people's House. They face difficult decisions in difficult times with many forces and interests demanding their attention.

We are grateful, O God, that You have given to them the goals of justice and the designs of freedom. Remind each Member that it is their work to develop the strategies and plans of achieving those goals and designs being mindful of the prompting of Your spirit.

You have given to each of them and to us all the abilities to do good works, so we pray that we will be faithful in our tasks, responsible in our actions, and fervent in our desire to serve.

Bless us all, O God, this day and every day to come. And may all that is done be for Your greater honor and glory.

Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of North Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### HONORING RICHARD FISHER

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, I rise today to honor the work of Richard Fisher, who will be retiring as the president of the Federal Reserve Bank of Dallas this coming spring.

President Fisher's work at the institution for the past 10 years has served our area well. Richard has been a fearless advocate for the low regulation of the Texas economy. Because of his stance, north Texas has experienced tremendous economic growth and vitality during the time of his presidency.